



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,061	09/05/2003	Jerome Legerton	30682-2	9098
7590	10/13/2004		EXAMINER	
Peter R. Martinez, Esq. Suite 200 11988 EI Camino Real San Diego, CA 92130				STULTZ, JESSICA T
				ART UNIT PAPER NUMBER
				2873

DATE MAILED: 10/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10/657,061	9/5/2003	Legerton et al.	30682-2

EXAMINER

SHUTZ

ART UNIT	PAPER
----------	-------

2073 1004

DATE MAILED:

Commissioner for Patents

The timely submission under 37 CFR 1.129(a) filed on July 21, 2004 is not fully responsive to the prior Office action because because applicant did not elect a specific species within the elected Group I. Specifically, applicant needs to elect a species from the Groups Ia, Ib, and Ic as indicated in Restriction requirement mailed July 2, 2004. Since the submission appears to be a bona fide attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a). If a notice of appeal and the fee set forth in 37 CFR 1.17(e) were filed prior to or with the payment of the fee set forth in 37 CFR 1.17(r), the payment of the fee set forth in 37 CFR 1.17(r) by applicant is construed as a request to dismiss the appeal and to continue prosecution under 37 CFR 1.129(a). The appeal stands dismissed.

JORDAN SCHWARTZ  
PRIMARY EXAMINER

Jessica Stultz